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09/875,594	06/06/2001	Srinivas V.R. Gutta	US010125	7185
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			WOO, ISAAC M	
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte SRINIVAS V.R. GUTTA, J. DAVID SCHAFFER,  
and KAUSHAL KURAPATI

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Application No. 09/875,594  
Technology Center 2100

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Mailed: October 17, 2008

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Before KRISTA ZELE, *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeals Administrator.*

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received at the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

**APPEAL BRIEF, CLAIMS APPENDIX**

A review of the Appeal Brief filed January 11, 2007 reveals that claims 10 and 17 in the Claims appendix of the Appeal Brief are not in proper format and/or are not consistent as amended in the last entered amendment filed on January 25, 2006. The copy of the claims should be in proper format and should not include any markings such as brackets or underlining except for claims in a reissue application in accordance with 37 CFR 41.37(c)(1)(viii). Furthermore, the Claims Appendix cannot assume entry of After Final Submissions for which an Advisory Action (or other Office communication) has not advised of entry. *See also Manual of Patent Examining Procedure (MPEP) § 1205.02 (8<sup>th</sup> ed. Rev. 6, Sept 2007) for details.*

Specifically, claim 10, as provided in the Brief's Claims Appendix contains a marking, claim 10 (second paragraph) reads:

a memory for storing a database, the database storing a plurality of program records, wherein each program record includes at least one key field; and

Also, claim 17, as provided in the Brief's Claims Appendix contains language that was omitted in the entered Amendment dated January 25, 2006, claim 17 (fifth paragraph) reads:

~~computer readable code for~~ determining a second program record of the plurality of program records that qualifies as a nearest neighbor of the first program record using the feature value, the key fields of the plurality of program records and a distance measurement method; and

Appropriate correction of all claims provided in the Claims Appendix in proper format is required.

Accordingly, it is **ORDERED** that the application is returned to the Examiner:

- 1) for correction of the Claims Appendix of the Brief filed January 11, 2007; and
- 2) such further action as may be required.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/tdl

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